

By: Carona

S.B. No. 1033

A BILL TO BE ENTITLED

AN ACT

1  
2 relating to the registration and use of marks, including trademarks  
3 and service marks.

4 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF TEXAS:

5 SECTION 1. Section 16.002, Business & Commerce Code, is  
6 amended to read as follows:

7 Sec. 16.002. INAPPLICABILITY OF CHAPTER. (a) This chapter  
8 does not apply to the registration or use of a livestock brand or  
9 other indicia of ownership of goods that do not qualify as a mark.

10 (b) Except as provided by this subsection, a trade name is  
11 not registrable under this chapter. If a trade name is also a  
12 service mark or trademark, the trade name is registrable as a  
13 service mark or trademark.

14 SECTION 2. Section 16.003(c), Business & Commerce Code, is  
15 amended to read as follows:

16 (c) Use of a [A] mark made merely to reserve a right in the  
17 mark is not considered to be a bona fide [in] use of a mark for  
18 purposes of [in] this chapter [~~state in connection with goods or~~  
19 ~~services~~].

20 SECTION 3. Section 16.059(b), Business & Commerce Code, is  
21 amended to read as follows:

22 (b) The registration of a mark under this chapter may be  
23 renewed for an additional five-year term by filing a renewal  
24 application in the manner prescribed by the secretary of state and

1 paying a renewal fee not earlier [~~later~~] than the 180th day before  
2 the date the registration expires.

3         SECTION 4. The change in law made by this Act to Section  
4 16.059(b), Business & Commerce Code, applies only to a renewal  
5 application filed on or after the effective date of this Act. A  
6 renewal application filed before the effective date of this Act is  
7 governed by the law in effect immediately before that date, and that  
8 law is continued in effect for that purpose.

9         SECTION 5. This Act takes effect September 1, 2013.